

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:)	Case No. 2:23-bk-53043
)	
WELCOME GROUP 2, LLC, et al. ²)	Judge Nina Nami Khorrami
)	
Debtors.)	Chapter 11 (Jointly Administered)
)	

**RSS WFCM2019-C50 – OH WG2, LLC’S MOTION
TO PERMIT INSPECTION OF DEBTORS’ COLLATERAL**

Now comes secured creditor RSS WFCM2019-C50 – OH WG2, LLC, by and through its undersigned counsel and as a secured creditor and party in interest in this case, hereby files its *Motion to Permit Inspection of Debtors’ Collateral* (the “**Motion**”) respectfully seeking to inspect the real and personal property located at: (i) 2440 National Road, Zanesville, Ohio 43701 and commonly known as the Super 8 Zanesville; (ii) 1600 Hampton Court, Sidney, Ohio 45365 and commonly known as the Hampton Inn Sidney; and (iii) 8099 Old Yankee Street, Dayton, Ohio 45458 and commonly known as The Dayton Hotel South.³ This Motion is supported by the attached Memorandum in Support. A proposed order is attached hereto as **Exhibit 1**, and is incorporated herein by this reference.

² This case is jointly administered with *In re Dayton Hotels LLC*, Case Number 2:23-bk-53044 and *In re Hilliard Hotels, LLC*, Case Number 2:23-bk-53045.

³ Unless otherwise indicated, all chapter and section references in this Motion are in reference to 11 U.S.C. 101 et seq. (the “**Bankruptcy Code**”). All “**Rule**” references are to the Federal Rules of Bankruptcy Procedure unless indicated otherwise.

Respectfully submitted,

/s/ Tami Hart Kirby

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MEMORANDUM IN SUPPORT

I. BACKGROUND AND ARGUMENT.

1. Secured Creditor RSS WFCM2019-C50 – OH WG2, LLC (“**Lender**”) moves this Court to permit it to inspect the real and personal property that serves as collateral for its indebtedness.

2. Debtors Welcome Group 2, LLC, Hilliard Hotels, LLC, and Dayton Hotels, LLC (collectively, “**Debtors**”) commenced this case by the filing a voluntary petition for relief under Chapter 11 of Title 11 of the Bankruptcy Code at the close of business on Friday, September 1, 2023 (the “**Petition**”).

3. This Court has jurisdiction over the Motion pursuant to Sections 105(a) and 362 of Title 11 of the Bankruptcy Code. The Motion gives rise to a core proceeding under 28 U.S.C. 157(b)(2), as to which the Court has the statutory and constitutional authority to enter a final order or judgment.

4. Lender is the owner and holder of the promissory note in the principal amount of \$21,300,000.00 (the “**Loan**”), a certain loan agreement (“**Loan Agreement**”), mortgages (collectively, “**Mortgages**”), assignments of rents, and other corresponding loan documents concerning the Loan (collectively, the “**Loan Documents**”). As set forth in the Mortgages, Lender has a good and valid first mortgage lien on the real and personal property located at: (i) 2440 National Road, Zanesville, Ohio 43701 and commonly known as the Super 8 Zanesville; (ii) 1600 Hampton Court, Sidney, Ohio 45365 and commonly known as the Hampton Inn Sidney; and (iii) 8099 Old Yankee Street, Dayton, Ohio 45458 and commonly known as The Dayton Hotel South (collectively, the “**Hotels**”) to secure the indebtedness evidenced by the Loan.

5. Debtors are and jointly and severally liable for the indebtedness evidenced by the Loan, along with non-debtors Dayton Hotels 2, LLC and Elite Hospitality, LLC.

6. As of Petition Date, the amount owed on the Loan to Lender was the sum of \$31,960,016.83, which such amounts continue to accrue.⁴

7. Pursuant to Section 4.1.4 of the Loan Agreement, Lender, and its agents, representatives, and employees have the right to inspect the Hotels or any part thereof at reasonable hours upon reasonable advance notice, subject to the rights of any tenants under their leases. A copy of the Loan Agreement is attached hereto as **Exhibit 2**, and is incorporated herein by this reference.

8. Under Section 7.11 of each of the Mortgages, upon reasonable notice to Debtors, Lender and its agents shall have the right to enter and inspect the Hotels at all reasonable times. True and accurate copies of the Mortgages are attached hereto collectively as **Exhibit 3**, and are incorporated herein by this reference.

9. Undersigned counsel has contacted Debtors' counsel several times to secure Debtors' consent to the inspection without the necessity of filing this Motion. However, as of the filing of this Motion, Debtors' counsel has not responded or provided such consent.

10. Debtors continue to utilize Lender's cash collateral in the operation of their Hotels. Despite the contractual relationship of the parties, Debtors have continually refused to permit Lender to inspect the condition of its collateral that secures the Loan.

⁴ Lender has filed the following proofs of claims: (i) i Welcome Group 2, LLC as Claim 13; (ii) Hilliard Hotels, LLC as Claim 14; and (iii) Dayton Hotels LLC as Claim 11.

11. Therefore, Lender moves the Court to order Debtors to allow Lender to inspect the Hotels as soon as can be reasonably scheduled from the date of the Order entered by the Court, and that Lender be entitled to its costs incurred herein.

II. CONCLUSION.

Based upon the foregoing, Lender respectfully requests that this Court enter an order: (a) granting this Motion in its entirety; (b) ordering that Debtors be required to permit Lender's agents to inspect the Hotels as soon as reasonably practicable from the date of the Order being entered by the Court, but in no event, within ten (10) business days of the date of the Order being entered by the Court; and (c) granting such other and further relief as the Court deems appropriate.

Respectfully submitted,

/s/ Tami Hart Kirby

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed electronically on this 4th day of January, 2024, which will be served on the following ECF participants, electronically through the Court's ECF system at the email address registered with the Court:

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and on the following by ordinary U.S. Mail addressed to:

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